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E-Filing

UNITED STATES DISTRICT COURT
DISTRICT OF NORTHERN CALIFORNIA

NIKKI POOSHS,

Plaintiff-Appellant,

vs.

ALTRIA GROUP, INC., et al.,

Defendants-Respondents.

No. C04-1221 PJH (EMC)

STIPULATED ORDER GRANTING
APPELLANT/PLAINTIFF'S MOTION TO
TAKE TESTIMONY OF NIKKI POOSHS
PURSUANT TO F.R.C.P. SEC. 27(b)

Hearing Date: Wednesday, October 25, 2006
Hearing Time: 10:30 a.m.
Courtroom: C
Judge: Hon. Edward M. Chen

Plaintiff - Appellant's motion to preserve her testimony pursuant to Federal Rules of Civil Procedure Rule 27(b) came on for hearing on October 25, 2006, in the above-referenced Court, the Honorable Edward M. Chen, United States Magistrate Judge, presiding.

As a result of meet and confer efforts, the parties have stipulated to the following:

1. Plaintiff will take her trial preservation direct testimony on November 14, 2006, with the understanding that it will take approximately one day to complete;
2. Defense counsel will take a discovery deposition of plaintiff from November 20, 2006, to November 22, 2006, and continuing as necessary, but with the understanding that it will take approximately three days to complete;

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3. Plaintiff will appear for a defense mental examination on or about December 2, 2006, subject to availability of both plaintiff and examiners, but with the understanding that it will take approximately one day to complete;
4. Defense counsel will conduct a trial preservation cross-examination on December 11, 2006, and continuing as necessary, but with the understanding that it will take approximately one day to complete.

Based on the stipulation, the papers filed, and the hearing of oral arguments, and for good cause shown, Plaintiff-Appellant's Motion is hereby GRANTED pursuant to the stipulated schedule set forth above.

So ORDERED.

Dated: 10/25/06



Edward M. Chen
United States Magistrate Judge